

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	17 CR 95-3
vs.)	
)	Hon. Rodney W. Sippel
OSCAR DILLON, et. al.)	

DEFENDANT BURRIS'S PROPOSED JURY INSTRUCTION

Comes now the Defendant, ROY W. BURRIS, by and through his attorney, Beau B. Brindley, and provides the following proposed jury instruction as an alternative to the instruction he previously proposed:

Burris No. 2.

MULTIPLE CONSPIRACIES

The indictment charges that the defendants were members of one single conspiracy to distribute and possess with intent to distribute a mixture or substance containing a detectable amount of cocaine.

One of the issues you must decide is whether there were really two (or more) separate conspiracies—one among Edgar Roque, Jorge Cazares, Roy Burris, and others to distribute and possess with the intent to distribute cocaine in California, and another one among Edgar Roque, Calvin Avendano, and others to distribute and possess with the intent to distribute cocaine in Missouri.

The United States Attorneys Office must convince you beyond a reasonable doubt that each defendant was a member of the conspiracy to distribute and possess with the intent to distribute cocaine charged in the indictment. If the United States fails to prove this as to a defendant, then you must find that defendant not guilty of the conspiracy charge, even if you find that he was a member of some other conspiracy. Proof that a defendant was a member of some other conspiracy is not enough to convict. But proof that a defendant was a member of some other conspiracy would not prevent you from returning a guilty verdict, if the United States also proved that he was a member of the conspiracy charged in the indictment.

